

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

VICTOR APODACA,

Plaintiff,

v.

No. 13-cv-0113 JB/SMV

**STATE OF N.M. ADULT
PROB. & PAROLE, et al.,**

Defendants.¹

SCHEDULING ORDER

THIS MATTER is before the Court sua sponte. Plaintiff brings this case pursuant to 42 U.S.C. § 1983. He is incarcerated and proceeds pro se and *in forma pauperis*. The Court referred the case to the pro bono panel on June 15, 2015, with a request that a panel attorney consider contacting Plaintiff for possible representation. *See* [Doc. 68] at 1–2. However, to date, no attorney has appeared on Plaintiff’s behalf. This case is excluded from the normal pretrial case management and discovery rules. *See* D.N.M.LR-Civ. 16.3(d). On August 26, 2015, the Court denied Defendants’ motion for summary judgment. [Doc. 73]. For these reasons, the following scheduling deadlines are warranted.

Pretrial motions, other than discovery motions, shall be filed with the Court and served on opposing party by **March 28, 2016**. *See* D.N.M.LR-Civ. 7 for motion practice requirements

¹ In a Memorandum Opinion and Order dated February 13, 2014, this Court dismissed all claims against Defendants New Mexico State Police, State of New Mexico Adult Probation and Parole, Gerry Billy, FNU Sandoval, FNU Lucero, FNU Wagner, FNU Boone, and FNU Padilla, and Curry County Detention Center. [Doc. 22] at 46. Later, on April 6, 2015, the Court dismissed all claims against Defendants Wesley Hatley and Susan Pautler. [Doc. 65]. At this time, the only remaining Defendants are Timothy Hillis and Nancy Lueras.

and timing of responses and replies. Any pretrial motions, other than discovery motions, filed after the above dates shall, in the discretion of the Court, be considered untimely.

If documents are attached as exhibits to motions, affidavits or briefs, those parts of the exhibits that counsel want to bring to the attention of the Court must be highlighted in accordance with D.N.M.LR-Civ. 10.6.

The parties are directed to file a consolidated final Pretrial Order as follows: Plaintiff(s) to Defendant(s) on or before **April 28, 2016**; Defendant(s) to Court on or before **May 12, 2016**. Counsel are directed that the Pretrial Order will provide that no witnesses except rebuttal witnesses whose testimony cannot be anticipated, will be permitted to testify unless the name of the witness is furnished to the Court and opposing counsel no later than 30 days prior to the time set for trial. Any exceptions thereto must be upon order of the Court for good cause shown.

Finally, the Clerk is **DIRECTED** to forward to Plaintiff a copy of the Guide for Pro Se Litigants as well as a copy of the Court's sample Pretrial Order.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge